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**GENERAL CIRCULAR NUMBER 2012-025 – *Correction*** *\*Due to Typographical Error\**

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**DATE: October 8, 2012**  
**TO: Heads of State Agencies and Human Resources Directors**  
**SUBJECT: Performance Adjustments Paid After Layoff Avoidance Measure Approved**

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This general circular is being issued to address questions surrounding Layoff Avoidance Plans authorized under Civil Service Rule 17.6, and an employee's retained eligibility for performance adjustment increases as outlined in Rule 17.6 (c).

Due to the continuing budget problems of our state, many appointing authorities have filed Layoff Avoidance Plans under Rule 17.6 to withhold, delay or reduce payment of performance adjustments for fiscal year 2012-2013. Many agencies included in their Layoff Avoidance Plans a provision retaining the option to grant or restore performance adjustments either prospectively or retroactively to October 1, 2012 in the event that fiscal conditions improve.

Rule 15.2.1(c) establishes October 1<sup>st</sup> as the uniform disbursement date for any performance adjustments paid to eligible classified employees under the provisions of Rule 6.14. Under Rule 17.6(c), employees whose performance adjustment increases are affected by a Layoff Avoidance Plan retain their eligibility for those increases for a three-year period. (Eligibility is lost if an employee receives a rating of "needs improvement" during this period).

If an agency's approved Layoff Avoidance Plan included a provision to restore performance adjustments either prospectively or retroactively, the appointing authority may do so at any time through June 30, 2013 without further approval from the Director. However, when an appointing authority chooses to exercise this option, **it must be applied uniformly to all eligible employees affected by the Layoff Avoidance Plan.**

If an agency's approved Layoff Avoidance Plan included a provision retaining the option to restore performance adjustments only prospectively, the appointing authority may not pay adjustments retroactively without obtaining the Director's approval. Again, when an appointing authority opts to restore performance adjustments, that restoration **must be applied uniformly to all eligible employees affected by the Layoff Avoidance Plan.**

If an agency's approved Layoff Avoidance Plan did not include any provision to restore performance adjustments, the appointing authority must obtain the Director's approval in order to grant adjustments either prospectively or retroactively during fiscal year 2012-2013.

**All Layoff Avoidance Plans for fiscal year 2012-2013 will expire on June 30, 2013.** After that expiration date, an appointing authority may restore the performance adjustments in accordance with the provisions of Rule 17.6(c). However, **performance adjustments restored after the June 30, 2013 expiration date may be granted prospectively only, and must be granted uniformly to all eligible employees affected by the Layoff Avoidance Plan.** If, after June 30, 2013\*, an agency wishes to restore performance adjustments retroactively, the agency must obtain approval to do so from the State Civil Service Commission.

Questions regarding this General Circular may be directed to Adrienne Bordelon, General Counsel at 342-8272.

Sincerely,

s/Shannon S. Templet  
Director